

**REMARKS/ARGUMENTS**

This application has been carefully considered in light of the initial office action on the merits mailed August 12, 2004. As a result, a minor amendment has been made to the specification and to the claims in an effort to distinguish the invention further with respect to the prior art.

Claims 1 through 6 have been rejected under 35 U.S.C. 102(b) as being directly anticipated by US Patent 4,964,838 to Cromheecke et al.

Responsive to the rejection of claims 1 through 6 over US Patent 4,964,838, claim 1 has been further amended to define that the driver portion of the rotor for a combine harvester of the present invention includes a driver element which is in a form of at least one helical element which winds around the rotor a plurality of times along the driver portion. As shown in the drawings of the present application, the helical driver element 34 extends around the rotor a plurality of times from the threshing portion towards the rear portion of the rotor. As noted at the last paragraph of page 4 and continuing on to page 5

of the specification of the present application for patent, the primary advantage of the invention is that the portion of the rotor which includes the helical driver element pushes the threshed cropped material towards the rear of the harvester in order to separate the seed from the chaff and this is done very expeditiously due to the spiral configuration. The rotor of the present invention thus allows harvested crops to be moved through the harvester in such a manner that the threshed crops do not get caught or jammed at the back and are rather passed through the rotor much more quickly without clogging the inside of the housing of the rotor. This enables the harvester to increase production and reduces the amount of down time caused by clogging which occurs with prior art harvesters using more conventional rotors.

As claim 1 has been amended to include the limitation with respect to the at least one helical element which winds around the rotor a plurality of times and, as the prior art reference does not disclose such a structure and thus could not provide the advantage set forth above, it is respectfully submitted that the present invention is clearly distinguishable with respect to the prior art. Further, the structure defined in claim 1 provides the advantages as set forth above and provides for a useful

improvement over the prior art.

It is also respectfully submitted that it would not be obvious from the cited reference to implement such a helical structure in the reference as it is submitted that the reference does not contend or direct itself with driving threshing material rearwardly as fast as possible. The references is rather concerned with threshing and separating.

In view of the forgoing, reconsideration of the grounds for rejection under 35 U.S.C. 102 (b) is respectfully requested. The cited reference does not include each of the elements of the claimed invention nor does the cited reference have the ability to provide the function which is achieved utilizing the structure set forth in the claims.

Should the Examiner have any questions concerning this response or the amendments to the claims or the allow ability of the claims with respect to prior art, it would be appreciated if the Examiner would contact the undersigned Attorney-of-Record for purposes of scheduling a personal interview in order to further expedite the prosecution of this application.

Appl. No. 10/814,172 Response to Final Office Action of 12/07/04

An earnest effort has been made to place the application in condition for allowance which action is solicited.

**The Examiner's attention is also directed to the new address of the undersigned Attorney-of-Record. Please direct all correspondence to this new address.**

Respectfully submitted,

DOWELL & DOWELL, P.C.

By 

Ralph A. Dowell, Reg. No. 26,868

Date: March 4, 2005

DOWELL & DOWELL, P.C.

Suite 406, 2111 Eisenhower Avenue

Alexandria, VA 22314

Telephone - 703 415-2555

Facsimile - 703 415-2559

E-mail - [dowell@dowellpc.com](mailto:dowell@dowellpc.com)